

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)
)
Plaintiff,) **ORDER (AMENDED)**
)
vs.)
)
Nathan Tuenge,)
) Case No. 1:10-cr-086
Defendant.)

Defendant Nathan Tuenge (Tuenge) has entered a plea of guilty in the above-entitled action and is awaiting sentencing. His sentencing hearing is scheduled for March 21, 2011, at 9:00 a.m. in Bismarck, North Dakota, before Judge Hovland.

On February 4, 2011, Tuenge filed a Waiver of Supervised Release. Therein he advised the court that he is in the custody of the Burleigh County Detention Center in Bismarck, North Dakota, on state charges. He further requested that this court revoke his bond and remand him into the custody of the United States in anticipation that he could begin earning credit toward his anticipated sentence.

The court **GRANTS** Tuenge's request (Docket No. 50) and revokes his pre-sentence release. The court further advises Tuenge that it is unclear at this point, if any, credit he may ultimately receive toward his federal sentence for time spent in state custody. In the event Tuenge is to be released from state custody prior to March 21, 2011, the court requests that the Burleigh County Detention Center notify the United States Marshal. Upon his release from state custody, Tuenge shall be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. He shall be afforded a reasonable opportunity for private

consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Tuenge to the United States Marshal for the purpose of an appearance in connection with a court proceeding. If Tuenge is still in state custody on March 21, 2011, the government may ensure his appearance before this court for sentencing by filing the appropriate writ.

IT IS SO ORDERED.

Dated this 16th day of February, 2011.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.
United States Magistrate Judge